

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

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FARD RAHMAN GRAHAM,

Petitioner,

v.

Case No. 08-11117

NICK LUDWICK,

Respondent.

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**ORDER DENYING PETITIONER'S MOTION FOR APPOINTMENT OF COUNSEL**

Petitioner Fard Rahman Graham has filed a *pro se* application for a writ of habeas corpus under 28 U.S.C. § 2254. Currently pending before the court is Petitioner's motion for appointment of counsel. Petitioner asserts that appointment of counsel is required because his claims present credibility issues and establish the violation of constitutional rights.

Petitioner has no absolute right to be represented by counsel on habeas corpus review. See *Wright v. West*, 505 U.S. 277, 293 (1992) (citing *Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987)); *Abdur-Rayman v. Mich. Dep't of Corr.*, 65 F.3d 489, 492 (6th Cir. 1995). "[A]ppointment of counsel in a civil case is . . . a matter within the discretion of the court. It is a privilege and not a right." *Childs v. Pellegrin*, 822 F.2d 1382, 1384 (6th Cir. 1987) (quoting *United States v. Madden*, 352 F.2d 792, 793 (9th Cir. 1965)).

Furthermore, a preliminary review of the habeas petition indicates that some of the claims may be procedurally defaulted or not cognizable on habeas relief. The interests of justice therefore do not require appointment of counsel. See 18 U.S.C. §

3006A(a)(2)(B). Accordingly,

IT IS ORDERED that Petitioner's motion for appointment of counsel [Dkt. # 3] is DENIED. The court will reconsider Petitioner's motion, if necessary, following receipt of the responsive pleading and the state court record. It will not be necessary for Petitioner to renew his motion or to file another motion for appointment of counsel after Respondent files his responsive pleading and the state court record.

S/Robert H. Cleland  
ROBERT H. CLELAND  
UNITED STATES DISTRICT JUDGE

Dated: April 14, 2008

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, April 14, 2008, by electronic and/or ordinary mail.

S/Lisa Wagner  
Case Manager and Deputy Clerk  
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